IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

OP.No. 11968 of 2001(Y)

PETITIONER:

RANI.V.D.,
U.P.S.A.,
ST.ALOYSIUS.H.S.,
NORTH PARAVOOR.

BY ADV. SRI.ABRAHAM VAKKANAL

RESPONDENTS:
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1. THE DEPUTY DIRECTOR (EDN.),
CIVIL STATION, KAKKANAD, ERNAKULAM.

2. THE DISTRICT EDUCATIONAL OFFICER, ALUVA.

3. THE MANAGER,
ST.ALOYSIUS HIGH SCHOOL,
NORTH PARAVOOR P.O., ERNAKULAM DISTRICT.

4. ANNIE.K.A, U.P.S.A.,
ST.ALOYSIUS.H.S.,
NORTH PARAVOOR P.O.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI
BY ADV. SRI.RAPHAEL ANTONY for R3
SRI.P.L.DEVADAS for R4

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.19068/2001 IN O.P.NO.11968/2001 Y

DISMISSED

10/08/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF APPOINTMENT ORDER DTD. 11/11/1991 AND APPROVED AS PER ENDORSEMENT DTD. 17/02/93 OF THE D.E.O., ALUVA.**

EXT.P2; **COPY OF ...DO..... DTD. 7/06/93 AND APPROVED AS PER ENDORSEMENT DTD. 8/02/94 OF ...DO....**

EXT.P3: **COPY OF APPOINTMENT ORDER WITH ENDORSEMENT DTD. 1/06/96 OF ...DO...**

EXT.P4: **COPY OF G.O.MS.NO.177/87/G/EDN. DTD. 22/08/87 OF THE GENERAL (EDN.) J DEPARTMENT.**

EXT.P5: **COPY OF G.O.(MS) 141/88/G.EDN. DTD. 13/09/98 OF ..DO....**

EXT.P6: **COPY OF PETITION DTD. 16/06/2000 BEFORE THE 2ND RESPONDENT.**

EXT.P7: **COPY OF ORDER DTD. 11/10/2000 ISSUED FROM THE 2ND RESPONDENT.**

EXT.P8: **COPY OF APPEAL DTD. 19/10/2000 FROM THE PETITIONER TO THE 1ST RESPONDENT.**

EXT.P9: **COPY OF ORDER NO.B3-30292/2000 DTD. 9/01/2001 OF THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH , J

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O.P. NO. 11968 OF 2001

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Dated this the 10th day of August, 2007.

JUDGMENT

The petition is against Ext.P9 order passed by the Deputy Director of Education. The main grievance is that the petitioner was not given an opportunity for hearing. According to the Government Pleader, the opportunity given to the petitioner was not utilised. Be that as it may, since the petitioner has an effective remedy by way of appeal before the Government, it is not necessary to go into the disputed questions of fact at this stage. Accordingly, the writ petition is disposed of as follows:

In the event of the petitioner filing an appeal before the Government within a period of two months from today, the same shall be considered by the Government on merits with notice to the petitioner and respondents 3 and 4 and appropriate orders thereon in accordance with law shall be passed within another four months.

KURIAN JOSEPH, JUDGE.

rv

KURIAN JOSEPH, JUDGE

O.P. NO. 11968 of 2001

10th day of August, 2007

JUDGMENT